

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ABDUL AZIZ DANLAD,)	CASE NO. 4:18-cv-382
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE
)	DAVID A. RUIZ
IMMIGRATION AND CUSTOMS)	
ENFORCEMENT (ICE),)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND</u>
Respondent.)	<u>RECOMMENDATION</u>

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge David A. Ruiz. (ECF #9). On February 16, 2018, Petitioner, Abdul Aziz Danlad, filed his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF #1) challenging his detention pending removal from the United States. Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge David A. Ruiz.

Procedural History

On October 18, 2018, the Magistrate Judge issued his Report and Recommendation. (ECF #9). The Magistrate Judge found that, because the Petitioner is no longer in custody, this Court lacks jurisdiction over the Petitioner's habeas petition and recommended that the Respondent's motion to dismiss (ECF #8) be GRANTED. Objections to the Report and Recommendation were to be filed within 14 days of service. No objections were filed. This matter is now ripe for review.

Standard of Review for a Magistrate Judge's Report and Recommendations

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED R. Civ. P. 72(b) states:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b)(3) addresses only the review of portions of reports to which timely objections have been made; it does not indicate the appropriate standard of review for portions of the report to which no objections have properly been made. The Advisory Committee on Civil Rules commented on the standard of review stating, "when no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citations omitted).

The U.S. Supreme Court stated: "It does not appear that Congress intended to require district court review of magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to these findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, the Defendant declined to object to the magistrate judge's Report and Recommendation. Accordingly, this Court reviews the Report and Recommendation for a finding of clear error on the face of the record.

Conclusion

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Ruiz (ECF #9)

is ADOPTED. The Respondent's motion to dismiss (ECF #8) is GRANTED. Petitioner's habeas petition (ECF #1) is DISMISSED.

IT IS SO ORDERED.

/s/DONALD C. NUGENT
DONALD C. NUGENT
United States District Judge

DATED: November 14, 2018